

David Archunde v. PERA & City of Albuquerque (filed Sept. 2008 – federal court)

Mr. Archunde was part of the original class of double dippers who were required to make nonrefundable member contribution during the period July 1, 2003 thru Dec. 31. 2006. Archunde's only claim was that nonrefundable contributions violated the takings clause of the U.S. Constitution. Federal D.Ct. Judge Bruce Black rejected the claim. Case dismissed. Archunde did not appeal.

Jack Clough v. PERA (filed Jan 2011 – federal court)

Mr. Clough was a "grandfathered" double dipper who was required to begin making nonrefundable contributions on July 1, 2010. He argued that the contributions violated numerous law and constitutional provisions involving age discrimination, takings, equal protection, contract, due process and bill of attainder. Federal Magistrate Lorenzo Garcia rejected all claims either on their merits or for failing to exhaust administrative remedies. Case dismissed. Clough did not appeal.

Rod Coffman et. al vs. PERA & Gov. Richardson (filed November 2010 – federal court)

Like Clough, the Coffman plaintiffs are "grandfathered" double dippers who were required to begin making nonrefundable contributions on July 1, 2010. Plaintiffs raise constitutional claims under the contract, equal protection and takings clauses of the U.S. and N.M. Constitutions. The difference between the Clough and Coffman cases is that the Coffman plaintiffs are all law enforcement officers, and they are asking for class action certification. PERA filed a motion to dismiss in June 2011. The federal judge has not yet issued a ruling.